

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA

-against-

ORDER

SUNE GAULSH,

21-mj-5195 (UA) (JW)

Defendant.

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JENNIFER E. WILLIS, United States Magistrate Judge:

On September 13, 2022, Defendant filed a Motion to Dismiss the Complaint. Dkt. No. 6. On May 29, 2024, Defendant filed a Supplemental Motion to Dismiss. Dkt. No. 7. On June 5th, Defendant submitted a letter notifying the Court of the pending motion. Dkt. No. 9. On June 21st, the Court issued an Order clarifying that “this Court will rule on the motions. By June 28th, the Government shall confer with Defendant and file a proposed briefing schedule for the pending motions.” Dkt. No. 10.

On June 26th, Attorney Jane H Fisher-Byrialsen filed a Motion to Withdraw. Dkt. No. 11. Ms. Fisher-Byrialsen professed a conflict of interest, and thus, the Motion was granted. Dkt. No. 11.

The Court has determined that it is in the best interests of justice to provisionally appoint the Federal Defenders to represent Mr. Gaulsh. This provisional appointment is made pending a conflicts check, the filing of a financial affidavit, and the applicability of free counsel to a request to quash a warrant when the warrant has not yet been executed.

As the Government was previously directed to confer with counsel who has now since withdrawn, that directive may be disregarded. Rather, the Government

shall confer with the on-duty attorney of the Federal Defenders to propose a briefing schedule that addresses the following issues:

- Is the Criminal Justice Act applicable to the instant case?
- If the Criminal Justice Act is applicable, is the Defendant eligible to have an attorney appointed to represent him on the pending Motion to Dismiss?
- If the Criminal Justice Act is applicable, is the scope of representation limited in any way? Is the Defendant eligible to have an attorney appointed to represent him on all other issues related to this case?

The Government shall file a letter on the docket detailing the agreed-upon briefing schedule for these CJA-related issues **by July 9th**. The Parties shall explain their positions on the CJA-related issues via letter motions of no more than five double-spaced pages each.

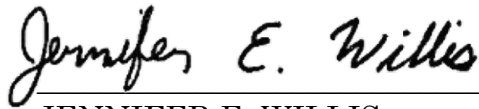
Following the Court's resolution of the CJA-related issues, the Government will be directed to confer with Defendant's counsel to propose a briefing schedule on the pending Motion to Dismiss. Dkt. No. 6.

This Order has been emailed to Defendant's former attorney, Ms. Fisher-Byrialsen. Ms. Fisher-Byrialsen shall provide any contact information she has for the Defendant directly to the Federal Defender on duty today, Mr. Kristoff Williams, at Kristoff.Williams@fd.org.

No deadline is currently pending for the Defendant, Mr. Gaulsh. Defendant need not file or submit anything at this time.

SO ORDERED.

DATED: New York, New York
June 28, 2024


JENNIFER E. WILLIS
United States Magistrate Judge